

### **REMARKS**

This application has been carefully reviewed in light of the Office Action mailed October 5, 2004. At the time of the Office Action, Claims 1-24 were pending in the application. In the Office Action, the Examiner rejects Claims 1-24. Applicants amend Claims 1 and 9 to advance prosecution. Applicants do not admit that these amendments were necessary as a result of any prior art. Applicants note with appreciation Examiner's acceptance of the drawings filed on May 8, 2001.

#### **Section 103 Rejections**

The Examiner rejects Claims 1-4, 9-11, 13-17, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,356,945 B1 issued to Shaw et al. ("*Shaw*") in view of U.S. Patent Pub. No. 2002/0089548 A1 issued to Marler et al. ("*Marler*"). Applicants respectfully request reconsideration and allowance of Claims 1-4, 9-11, 13-17, and 21-24.

Although Applicants believe that Claims 1-4, 9-11, 13-17, and 21-24 are allowable as originally presented, Applicants amend Claims 1 and 9 to advance prosecution in this case. Amended Claim 1 recites, in part, "A transmit-only Bluetooth-compatible apparatus comprising ... a protocol stack compatible with the Bluetooth protocol standard, said protocol stack including selected portions of the Bluetooth protocol used only for transmitting data, **and not including selected portions of the Bluetooth protocol used only for receiving data** ..." Amended Claim 9 recites, in part, "a protocol stack compatible with the Bluetooth protocol standard, said protocol stack including selected portions of the Bluetooth protocol used only for receiving data, **and not including selected portions of the Bluetooth protocol used only for transmitting data** ..."

*Shaw* fails to teach, suggest, or disclose a "protocol stack" as recited in Claim 1 or Claim 9. Even if there is a "protocol stack" of any sort being used in *Shaw*, it cannot be "a protocol stack compatible with the Bluetooth protocol standard, said protocol stack including selected portions of the Bluetooth protocol used only for transmitting data, **and not including selected portions of the Bluetooth protocol used only for receiving data** ..." or a "protocol stack including selected portions of the Bluetooth protocol used only for receiving data, **and not including selected portions of the Bluetooth protocol used only for**

**transmitting data** ...” This is because the only cited portions of *Shaw* that relate to “receive-only” or “transmit-only” operations are Claim 21 at col. 23, ll. 37-45, and this portion of *Shaw* requires being able to enable one of three modes of operation for subgroups of an apparatus, including each of a “receive-only, transmit-only, or transmit-and-receive mode.” If the “protocol stack” of *Shaw* did not include “selected portions of the Bluetooth protocol used only for receiving data,” as recited, in part, in amended Claim 1, then it would not be able to operate in the “receive-only mode” or the “transmit-and-receive mode.” If the “protocol stack” of *Shaw* did not include “selected portions of the Bluetooth protocol used only for receiving data,” as recited, in part, in amended Claim 9, then it would not be able to operate in the “transmit-only mode” or the “transmit-and-receive mode.” Therefore, a “protocol stack” in *Shaw* cannot use a “protocol stack” as recited in Claim 1 or Claim 9 and still operate as intended. Moreover, if *Shaw* is modified to include a “protocol stack” as recited in either Claim 1 or Claim 9, it would change the principle of operation of *Shaw* because it would no longer be possible to enable one of the three modes of operation that include each of a “receive-only, transmit-only, or transmit-and-receive mode.”

If a “proposed modification would render the prior invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” MPEP §2143.01. Also, if a “proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” MPEP §2143.01. Applicants respectfully submit that any modification of *Shaw* to include a “protocol stack” as recited in either Claim 1 or Claim 9, as suggested by the Examiner, would both “change the principle of operation” of *Shaw* and render *Shaw* “unsatisfactory for its intended purpose.” Applicants therefore respectfully request reconsideration and allowance of Claims 1 and 9. Claims 2-4 and 10-11 depend from Claims 1 and 9, respectively. Applicants therefore respectfully request reconsideration and allowance of Claims 2-4 and 10-11.

Applicants do not amend Claims 13-17, and 21-24. Claim 13 recites, in part, “A method comprising ... generating a transmit-only Bluetooth protocol stack by **removing elements of a standard Bluetooth protocol stack related to receiving data** ... and

configuring said transmit-only Bluetooth protocol stack in a transmit-only wireless device for transmitting data.” (Emphasis added). Claim 21 recites, in part, “A transmit-only apparatus comprising ... a transmit-only Bluetooth protocol stack **having removed therefrom all Bluetooth protocol elements related to receiving data** ... and a transceiver communicatively coupled to said transmit-only Bluetooth protocol stack and configured to physically transmit said data.” (Emphasis added). For at least the reasons set forth above with regard to Claims 1 and 9, Applicants respectfully request reconsideration and allowance of Claims 13 and 21. Claims 14-17 and 22-24 depend from Claims 13 and 21, respectively. Applicants therefore respectfully request reconsideration and allowance of Claims 14-17 and 22-24.

The Examiner rejects Claims 5-8, 12, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over *Shaw* in view of *Marler* and further in view of U.S. Patent No. 5,706,278 issued to Robillard et al. (“*Robillard*”). Applicants respectfully request reconsideration and allowance of Claims 5-8, 12, and 18-20. Claims 5-8, 12, and 18-20 depend from independent claims shown above to be allowable, and recite elements patentably distinguishable from the *Shaw-Marler-Robillard* combination. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 5-8, 12, and 18-20. Applicants reserve the right to discuss the patentably distinguishable features of Claims 5-8, 12, and 18-20 in the future.

**CONCLUSION**

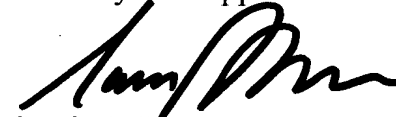
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees necessary for advancement of the prosecution of this case or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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